

E-Filed 6/23/08

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

DAVID QUESADA,

Petitioner,

v.

MIKE KNOWLES, Acting Warden,

Respondent.

Case Number C 08-2869 JF

ORDER TO SHOW CAUSE

Petitioner, a state prisoner, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

IT IS ORDERED as follows:

(1) The Clerk of the Court shall serve by certified mail a copy of the petition and a copy of this Order upon counsel for Respondent, the Attorney General of the State of California. The Clerk of the Court also shall serve a copy of this Order upon counsel for Petitioner,.

(2) Respondent shall, within sixty (60) days after receiving this order, file and serve upon Petitioner's counsel an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not issue. At the time the answer is filed, Respondent shall lodge with the Court all records relevant to a determination of the issues presented by the petition. If Respondent contends that Petitioner has failed to

1 exhaust state remedies as to any ground for relief asserted in the petition, Respondent shall
2 specify what state remedy remains available to Petitioner. If Respondent waives or concedes the
3 issue of exhaustion, Respondent shall so state in the answer.

4 (3) Petitioner may file a traverse responding to matters raised in the answer within
5 thirty (30) days after receiving the answer.

6 (4) Unless otherwise ordered by the Court, the matter will be deemed submitted upon
7 the filing of the traverse or upon the expiration of time to file a traverse.

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11 DATED: June 23, 2008

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14 JEREMY FOGEL
United States District Judge
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1 Copies of this Order were served upon the following persons:

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3 Counsel for Petitioner:

4 Marc Elliot Grossman marcgrossman@uia.net, law@docmil.com

5 Counsel for Respondent:

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